

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 386 OF 2005

Arjun Appa Chavan..... ... Appellant.

Versus

Dattu Govind Chavan..... ... Respondent.

Mr. Dilip Tain i/by Ms. Varsha Palav
for the Appellant.

None for the Respondents.

CORAM : A. S. OKA, J.

DATED : 19TH APRIL, 2005.

P.C.:

Heard learned Counsel appearing for the
appellant.

2. The appeal is by the original plaintiff. By the
impugned judgment and order, the learned Additional
District Judge has set aside the decree passed by the
trial Court in favour of the appellant and suit has
been remanded to the trial Court for re-trial.
Parties were directed to appear in the trial Court on
21st March, 2002. Parties were permitted to lead

further evidence. There was no ad-interim order passed by this Court during the pendency of this appeal by which the impugned judgment and order was stayed.

3. The order of remand has been passed, inter alia, on the ground that respondent / defendant was not given proper opportunity to lead evidence. The appellate Court has referred to applications for adjournment made by the respondent on various grounds. Learned Additional District Judge held that considering the grounds made out in the said application, opportunity deserves to be granted to the respondent / defendant to lead evidence. Hence, order of remand has been passed on 22nd February, 2002.

4. No case is made out for interference. Appeal from Order is dismissed. No order as to costs.

5. All parties concerned to act on an authenticated copy of this order.

Sd/-

(A. S. OKA, J.)